IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.255 of 1998.

Pune District Central
Co-operative Ltd. ..Applicant.

Vs.

Chhagan Dagdu Nikam and Anr ..Respondents.

Shri Vijay Patil for the Applicant.

Mr K. V. Saste, A.P.P. for respondent No.2/State.

CORAM: V.C. DAGA,J.
DATED: 2ND JULY, 2007.

P.C.:-

1. Heard Mr Vijay Patil learned counsel for the applicant and learned A.P.P., for the State. Perused revision application.

2. This revision is at the instance of the Pune District Central Co-operative Bank Ltd. Pune, a Society registered under the Maharashtra Co-operative Societies Act, against the order dated 12th June, 1998 passed in Regular Criminal Case No. 1 of 85 (original R.C.C. No. 10893 of 80) by the Additional Chief Judicial Magistrate, Pune, whereby the accused came to be acquitted of the offences charged under Sections 408,

409,464, 467, 471 of I.P.C.

3. According to the applicant-bank, during the course of audit, for the period 1.7.1976 to 30.6.1977 it was noticed that the accused forged certain documents of withdrawal slips of the bank and used it in the saving bank account of the various account holders one of such account holders was one Laxman Dinkar Atakire, the details of which is to be found in the audit report. Similarly, forged withdrawal slips were also used in some other accounts.

4. The prosecution has examined the complainant-auditor,two account holders, namely; Mr Laxman Dinkar Atkire and Mr Laxman Girme and two employees of the bank, alongwith Finger-print Expert Mr S. R. Salunkhe and the panch witnesses Vijay Tukaram and Genba Tukaram.

5. During the course of trial, the trial Magistrate after appreciation of evidence came to the conclusion that the complainant-bank could not establish any of the charges alleged

against the accused and that the prosecution failed to establish charge of forgery. The Trial Court below also noticed that there was delay in registering crime against the accused for which there was no explanation offered in the F.I.R. Exh.20. Trial Court also recorded that there was neither any no dishonest intention on the part of the accused nor did he commit criminal breach of trust. The trial Court also found sufficient number of witnesses were not examined by the complainant and that non-examination of certain witnesses has caused serious lacuna in the prosecution case.

6. The Trial Court has appreciated the evidence in detail and gave detailed reasons in support of its findings. The view taken by the Trial Court is a reasonable and possible view. No fault in the appreciation of evidence could be demonstrated by the learned counsel for the applicant.

7. This Court not being a Court of appeal cannot substitute its view in exercise of revisional jurisdiction. Revisional

jurisdiction is not only limited in scope but also is discretionary. The Court interferes in the revisional jurisdiction only in exceptional cases of flagrant miscarriage of justice as held by Apex Court in the case of **State of Rajasthan v. Gurucharandas Chaddha, AIR 1979 SC 1895.**

8. In the above view of the matter, no case is made out to interfere with the impugned order. In the result, the revision application has no merit. Same is accordingly dismissed with no order as to costs.

(V.C. DAGA,J.)